

Elizabeth J. Cabraser (83151)
ecabraser@lchb.com
Todd A. Walburg (213063)
twalburg@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000

Mark P. Robinson, Jr. (54426)
mrobinson@rcrlaw.net
Donald H. Slavik
dslavik@rcrlaw.net
ROBINSON CALCAGNIE
ROBINSON SHAPIRO DAVIS, INC.
19 Corporate Plaza Dr.
Newport Beach, CA 92660
Telephone: (949) 720-1288

*Plaintiffs' Co-Lead Counsel for the
Personal Injury/Wrongful Death
Cases*

W. Daniel Miles, III
dee.miles@beasleyallen.com
BEASLEY ALLEN CROW
METHVIN PORTIS & MILES PC
272 Commerce Street
P.O. Box 4160
Montgomery, AL 36103
Telephone: (334) 269-2343

*Member of the Plaintiffs' Liaison
Counsel Committee for the
Personal Injury/Wrongful Death
Cases*

John P. Hooper
jhooper@reedsmith.com
REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
Telephone: (212) 205-6125

Counsel for the Toyota Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

In Re: TOYOTA MOTOR CORP.
UNINTENDED
ACCELERATION MARKETING,
SALES PRACTICES, AND
PRODUCTS LIABILITY
LITIGATION

This document applies to

All Personal Injury, Wrongful Death
and Property Damage Cases

Case No. 08:10-ML-2151 JVS (FMOx)

**PLAINTIFFS' AND TOYOTA
DEFENDANTS' JOINT STATUS
REPORT REGARDING THE
INTENSIVE SETTLEMENT
PROCESS**

Date: October 21, 2014
Time: 8:00 a.m.
Dept: Courtroom 10C
Judge: Honorable James V. Selna

1 Pursuant to the Court's Civil Minutes dated January 14, 2014 (Dkt No. 4504)
2 and the Court's Civil Minutes dated April 29, 2014 (Dkt No. 4554) and in advance
3 of the Court's Status Conference set for October 21, 2014 at 8:00 a.m. P.D.T.,
4 Plaintiffs' Co-Lead Counsel for the Personal Injury/Wrongful Death Cases and
5 members of the Plaintiffs' Liaison Counsel Committee for the Personal
6 Injury/Wrongful Death Cases (collectively "Plaintiffs' Co-Lead Counsel") and
7 counsel for Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A.,
8 Inc. hereby respectfully submit this Joint Status Report Regarding the Intensive
9 Settlement Process (the "ISP"). The ISP is continuing to make good progress as the
10 parties attempt to resolve the various personal injury, wrongful death and/or
11 property damage cases pending before this Court and in other courts.¹

12 Since the issuance and adoption of the ISP Order,² Toyota's counsel have
13 had extensive and intensive negotiations with plaintiffs' firms representing a large
14 number of plaintiffs and claimants. These efforts have included numerous face-to-
15 face meetings with plaintiffs' counsel (including Plaintiffs' Co-Lead Counsel) in
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22 ¹ The Court's Order Establishing Intensive Settlement Process ("ISP") and Setting
23 Hearing (Dkt No. 4490) (the "ISP Order") was confirmed and adopted at the
24 hearing held on January 14, 2014 and memorialized in the Court's Civil Minutes –
25 General dated January 14, 2014 (Dkt No. 4504). A similar order was issued by
26 Judge Edmon in Toyota Motor Cases, Joint Council Coordination Proceeding, No.
27 4261 (Superior Court of Los Angeles County, CA) (the "JCCP Proceeding").

28 ² The court overseeing the Texas state MDL proceeding in In re: Toyota Unintended
Acceleration Litigation, Cause No. 2010-46354 (152nd Judicial District, District
Court for Harris County, Texas) (the "Texas MDL Proceeding") has issued its own
ISP order. This order, which was issued on February 18, 2014, is substantially
similar to the one issued by this Court. The Texas court also appointed Patrick A.
Juneau as the Settlement Special Master in that litigation to perform essentially the
same tasks there as he performs in this MDL.

1 cities around the nation. These negotiations continue.

2 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel are in regular
3 contact with Counsel for Toyota and have been since the inception of the ISP.
4 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel encourage
5 plaintiffs' counsel and pro se plaintiffs in all courts to participate in the ISP and
6 assist those counsel and pro se plaintiffs to understand and navigate it. Toyota has
7 provided Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel with
8 various lists of counsel having UA cases throughout the country in order that
9 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel can identify those
10 counsel and initiate contact with them. Plaintiffs' Co-Lead Counsel and
11 Federal/State Liaison Counsel have sent numerous emails and memos following the
12 materials sent by the Special Master, and have calls with counsel in UA cases to
13 discuss their participation in the ISP. Plaintiffs' counsel in UA cases oftentimes
14 contact Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel for
15 procedural guidance on their cases, which is freely given. Due to the open line of
16 communication between the parties, Plaintiffs' Co-Lead Counsel and Federal/State
17 Liaison Counsel are able to ascertain the status of any case in the ISP for individual
18 counsel. Additionally, access to the electronic depository is given to those counsel
19 with UA cases, if requested.

20 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel maintain an
21 extensive database of every UA case and counsel's contact information in order to
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1 have ready access to any information on the UA case when individual counsel
2 contacts Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel.

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4 Counsel for Toyota has been and will continue to seek the input of Plaintiffs'
5 Co-Lead Counsel and Federal/State Liaison Counsel and negotiate in good faith
6 with remaining plaintiffs' counsel in attempts to resolve cases both informally/in
7 advance of, and at the ISP settlement conferences and/or mediations. Pursuant to
8 the ISP Order and with Plaintiffs' Co-Lead Counsel and Federal/State Liaison
9 Counsel's assistance, the ISP settlement conferences are first addressing bellwether
10 plaintiffs, bellwether plaintiffs in the discovery pool and those plaintiffs with
11 exigent circumstances.
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14 **I. ISP Settlement Conferences and ISP Mediations That Have Occurred**

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16 After meeting and conferring with Plaintiffs' Co-Lead Counsel, the parties
17 have so far held eight official ISP settlement conferences and three official ISP sets
18 of mediations, in addition to numerous face-to-face informal meetings.
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20 The following ISP settlement conferences have occurred:

- 21 • **Los Angeles, CA:** February 26 and 27, 2014 (22 cases).
- 22 • **New York, NY:** March 17, 2014 (6 cases).³
- 23 • **Houston, TX:** April 23 and 24, 2014 (23 cases).
- 24 • **San Francisco, CA:** May 1, 2014 (7 cases).

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27 ³ The ISP settlement conferences scheduled for March 26, 2014, in Chicago, IL was
28 adjourned due to scheduling changes, with the Settlement Special Master
consenting to their cancellation.

- 1 • **New Orleans, LA:** May 27 and 28, 2014 (7 cases).
- 2 • **Century City, CA:** June 3 and 4, 2014 (10 cases).
- 3 • **Providence, RI:** July 15 and 16, 2014 (16 cases)
- 4 • **New York, NY:** On August 18, 2014, we scheduled 21 matters for
- 5 attendance and resolved 14 matters at or prior to the settlement conferences.
- 6
- 7

8 The following ISP mediations have occurred:

- 9 • **Orange County, CA:** April 28 to 30, 2014 (5 cases).
- 10 • **New Orleans, LA:** May 28, 2014 (1 case).
- 11 • **Providence, RI:** July 16 and 17, 2014 (5 cases).
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14 **II. ISP Settlement Conferences and ISP Mediations That Are Being Scheduled**

15 In light of the successes and pursuant to Court order, the parties continue to

16 schedule more ISP settlement conferences and ISP mediations, subject to

17 availability and other issues, including, but not limited to seven to ten cases for

18 settlement conferences and seven mediations in Houston, Texas on September 23

19 and 24, four mediations to be held on October 7 in New Orleans as well as

20 additional settlement conferences and mediations to be scheduled for Los Angeles

21 on October 22 and 23.

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25 **III. Settlement Results**

26 As outlined above and through the efforts of all parties, including, but not

27 limited to, Plaintiffs' Co-Lead Counsel, Toyota advises the Court that it has

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1 agreements in principle to resolve 211 matters. Of this number, 104 cases are/were
2 pending in the MDL and 34 cases are/were pending in the JCCP Proceeding. A
3 total of 73 are outside of the MDL and JCCP Proceedings. Attached, as Exhibit A
4 is a chart that provides a greater breakdown by category for the ISP.
5

6 **IV. Continued Strong Interest in the ISP**
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8 In addition to the resolutions as noted above, Plaintiffs' Co-Lead Counsel
9 and Toyota have been very encouraged by the strong interest and response to date
10 from plaintiffs' counsel in providing materials for cases to participate in the ISP.
11 As of September 15, 2014, of the 246 cases pending in the MDL and the JCCP
12 Proceeding, plaintiffs in only 25 cases have not yet requested an ISP.⁴ Plaintiffs'
13 Co-Lead Counsel is contacting counsel in these 25 cases to encourage participation
14 in the ISP. In addition, the Settlement Special Master's office, Plaintiffs' Co-Lead
15 Counsel and counsel for Toyota have received and responded to hundreds of e-
16 mails, telephone calls, and letters regarding the ISP. The Settlement Special Master
17 and counsel for Toyota are in the process of meeting and conferring with Plaintiffs'
18 Co-Lead Counsel regarding upcoming ISPs as well as collecting records in order to
19 begin confidential good faith negotiations.
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27 ⁴ As of September 15, 2014, plaintiffs in approximately 71 matters outside of the
28 MDL or JCCP Proceeding have requested to participate in the ISP and a majority of
these plaintiffs have already provided records and materials necessary to move
forward.

1 Dated: September 19, 2014

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP

2 By: /s/ Elizabeth J. Cabraser

3 Elizabeth J. Cabraser (83151)
4 *ecabraser@lchb.com*
5 Todd A. Walburg (213063)
6 *twalburg@lchb.com*
7 LIEFF CABRASER HEIMANN &
8 BERNSTEIN, LLP
9 275 Battery Street, 29th Floor
10 San Francisco, CA 94111-3339
11 Telephone: (415) 956-1000

12 Mark P. Robinson, Jr. (54426)
13 *mrobinson@rcrlaw.net*
14 Donald H. Slavik
15 *dslavik@rcrlaw.net*
16 ROBINSON CALCAGNIE ROBINSON
17 SHAPIRO DAVIS, INC.
18 19 Corporate Plaza Drive
19 Newport Beach, CA 92660
20 Telephone: (949) 720-1288
21 Facsimile: (949) 720-1292

22 *Plaintiffs' Co-Lead Counsel for the*
23 *Personal Injury/Wrongful Death Cases*

24 BEASLEY ALLEN CROW METHVIN
25 PORTIS & MILES PC

26 By: /s/ W. Daniel Miles, III

27 W. Daniel Miles, III
28 *dee.miles@beasleyallen.com*
272 Commerce St.
Birmingham, AL 36103
Telephone: (334) 269-2343

Member of the Liaison Counsel Committee
for the Personal Injury/Wrongful Death
Cases

REED SMITH LLP

By: /s/ John P. Hooper

John P. Hooper

jhooper@reedsmith.com

599 Lexington Avenue, 26th Floor

New York, NY 10022

Telephone: (212) 205-6125

Attorneys for Defendants Toyota Motor Corp. and Toyota Motor Sales, U.S.A., Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18, not a party to this litigation, and am an employee of Reed Smith LLP, which represents plaintiffs in the above-referenced litigation. I further certify that a true and correct copy of the above and foregoing document was served upon the attorney of record for each other party through the Court's electronic filing service on September 19, 2014.

/s/ Cheryl Hammill
Cheryl Hammill